IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4071 OF 2004

Umesh Ramdas Mhetre ... Applicant

versus

State of Maharashtra ... Respondent

...

Smt. P.P. Kakade, for the Applicant.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

4th October 2004

P.C.:

. Heard Counsel for the parties. The Applicant is apprehending arrest in connection with offence punishable under sections 385, 447, 387, 341, 506 read with section 34 of Indian Penal Code, vide CR. No. 101/2004 registered with Yawat Police Station. It is not in dispute that except offence ascribable to offence under section 387 of the Indian Penal Code, all other are bailable offences. Insofar as charge under section 387 of Indian Penal Code is concerned,

the learned A.P.P. justified the same by referring to materials on record, which show that the Applicant came on YAMAH Motor Cycle towards the complainant and threatened him against lodging any complaint against accused Prakash Londhe, who is being tried under the provisions of the MCOCA. The learned A.P.P. fairly accepts that there is no material to support the case of extortion under section 387 of the Indian Pednal Code against the Applicant herein. As mentioned earlier, all other offences being bailable offences, the appropriate course, to my mind, is to accede to the request of the Applicant for being enlarged on anticipatory bail on the following conditions.

a) The Applicant is enlarged on anticipatory bail in connection with Cr. No. 101/2004 registered with Yawat Police Station on executing personal bond in the sum of Rs.25,000/- with two local sureties in the like amount.

b) The Applicant shall comply with the conditions under section 438(2) of the Code of Criminal Procedure as applicable

to the State of Maharashtra.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)